



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

### 2001 Assembly Bill 598

### Assembly Amendment 1

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*Assembly Bill 598* directs the Department of Natural Resources (DNR) to cooperate with the United States and Canadian authorities, other states and provinces and the maritime industry to prevent the introduction and minimize the spread of aquatic nuisance species in the Great Lakes.

Under the bill, the DNR is required to determine by March 1, 2002 whether ballast water management practices proposed for oceangoing vessels by the Shipping Federation of Canada and proposed for nonoceangoing vessels jointly by the Lake Carriers Association and the Canadian Shipowners Association, are being complied with by vessels operating on the portions of the Great Lakes within the boundaries of this state. The bill requires the owner or operator of an oceangoing vessel or a nonoceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state to provide information to the DNR necessary to determine compliance with these ballast water management practices.

Beginning on March 1, 2002, the DNR is required to compile and maintain a list of all oceangoing vessels and nonoceangoing vessels that have complied with these ballast water management practices during the previous 12 months. The bill prohibits the DNR from awarding a grant, loan or other financial assistance to the owner or operator of a vessel that operates on the portions of the Great Lakes within the boundaries of this state that is not on the list or to a person in this state who has a contract for the transportation of cargo with a person who owns or operates a vessel that operates on the portions of the Great Lakes within the boundaries of this state that is not on the list.

The bill requires the DNR to determine, also by March 1, 2002, whether one or more ballast water treatment methods that protect the safety of a vessel, its crew and its passengers could be used by oceangoing vessels to prevent the introduction of aquatic nuisance species into the Great Lakes. If the DNR identifies any ballast water treatment methods, it must also determine a date after which those methods could be used by all oceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state. If the DNR is not able to identify any ballast water treatment methods that satisfy these conditions by March 1, 2002, the DNR must determine the actions necessary to develop,

test and make available to vessel owners one or more safe ballast water treatment methods. If the DNR subsequently determines that a safe ballast water treatment method or methods could be used, the DNR must determine a date after which the method or methods could be used by all oceangoing vessels on the portions of the Great Lakes within the boundaries of this state.

The bill requires the DNR to maintain a list, beginning after the date on which it determines that a safe ballast water treatment method could be used by all oceangoing vessels, of the vessels that have been complying with such a treatment method during the previous 12 months. The bill prohibits the DNR from awarding a grant, loan or other financial assistance to the owner or operator of an oceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state that is not on the list or to a person in this state who has a contract for the transportation of cargo with a person who owns or operates an oceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state that is not on the list.

Under the bill, if the DNR has identified one or more safe ballast water treatment methods by March 1, 2003, the DNR must determine whether all oceangoing vessels operating on the portions of the Great Lakes within the boundaries of this state are using a department-identified ballast water treatment method. If the DNR determines that some oceangoing vessels are not using a department-identified ballast water treatment method, the DNR is required to determine the reasons the method is not being used. The bill requires an owner or operator of an oceangoing vessel that operates on the portions of the Great Lakes within the boundaries of this state to provide information to the DNR needed to determine whether the vessel is using a department-identified ballast water treatment method.

*Assembly Amendment 1* specifies that an owner or operator of an oceangoing vessel or a nonoceangoing vessel must provide the specified ballast water management or treatment information required under the bill on forms developed by the DNR. The forms must be consistent with forms used in other states and the Canadian provinces.

On January 15, 2002, the Assembly Environment Committee recommended adoption of Assembly Amendment 1 on a vote of Ayes, 10; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 10; Noes, 0.

REL:tlu:ksm;jal